

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARLO THOMAS,)	3:11-cv-00664-LRH-VPC
)	
Plaintiff,)	
)	<u>MINUTES OF THE COURT</u>
v.)	
)	
E.K. MCDANIEL, <i>et. al.</i> ,)	
)	July 3, 2013
Defendants.)	
_____)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is plaintiff's motion to strike E.K. McDaniel's declaration from the record (#48).¹ Defendants opposed (#53) and plaintiff replied (#54). Plaintiff asks the court to strike defendant McDaniel's declaration submitted in support of defendants' opposition to plaintiff's motion for summary judgment (#46, Ex. B (*sealed*)). Plaintiff alleges that defendant McDaniel's declaration contains perjured statements, in violation of Fed.R.Civ.P. 56. Defendants oppose plaintiff's motion to strike, arguing that they are entitled to present evidence in support of their opposition to plaintiff's motion for summary judgment; and that if plaintiff disagrees with defendant McDaniel's characterization of the evidence, plaintiff may present his own rebuttal evidence in his reply memorandum supporting his motion for summary judgment.

A federal court has inherent authority to regulate the conduct of those appearing before it and to manage the administration of its business. *Spurlock v. F.B.I.*, 69 F.3d 1010, 1016 (9th Cir. 1995). Here, the court finds no reason to strike defendant McDaniel's declaration. Plaintiff has filed a reply memorandum supporting his motion for summary judgment (#49). Consequently, plaintiff has been afforded an opportunity to rebut this evidence.

¹ Refers to the court's docket numbers.

Accordingly, plaintiff's motion to strike E.K. McDaniel's declaration from the record (#48) is hereby **DENIED**.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk